

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CAPITOL RECORDS, INC., <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO. H-06-3512
	§	
RICHARD ROHLEDER,	§	
	§	
Defendant.	§	

**MEMORANDUM AND ORDER ENTERING DEFAULT
AND DEFAULT JUDGMENT**

Plaintiffs have filed a motion for default and default judgment against defendant Richard Rohleder. Plaintiffs have submitted a declaration and application supporting their request for default judgment, an award of statutory damages for infringed works under the Copyright Act, 17 U.S.C. § 504(a) and (c), and for an injunction. It appears that defendant has failed to answer the complaint as required by Rule 12, Fed. R. Civ. P., making entry of default against him proper.

Plaintiffs have filed a declaration, application, and exhibits in support of their claims for statutory damages and an injunction. Plaintiffs have also sent defendants notice of the motion for entry of default and default judgment. Further notice to the defendant and further hearings are not necessary. Rule 55(b)(2), Fed. R. Civ. P.

The motion for default judgment is granted. This court concludes that plaintiffs have established their entitlement to default judgment against defendant for the minimum statutory damages in the amount of \$8,250.00, an injunction, and costs in the amount of \$420.00.

Rohleder must pay damages to plaintiffs for infringement of plaintiffs' copyrights in the following sound recordings, which were in Exhibit A to the Complaint, in the sum of \$8,250.00:

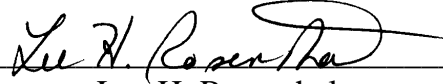
- "Higher Ground," on album "Mother's Milk," by artist "Red Hot Chili Peppers" (SR # 107-737);
- "What a Girl Wants," on album "Christina Aguilera," by artist "Christina Aguilera" (SR # 274-004);
- "Carried Away," on album "Blue Clear Sky," by artist "George Strait" (SR # 221-625);
- "A Long December," on album "Recovering The Satellites," by artist "Counting Crows" (SR # 226-415);
- "You Won't See Me Tonight (Featuring Aaliyah)," on album "I Am," by artist "Nas" (SR #175-149);
- "Around The World," on album "Californication," by artist "Red Hot Chili Peppers" (SR # 174-922)
- "Gravity Of Love," on album "The Screen Behind The Mirror," by artist "Enigma" (SR # 277-091);

- “We Didn’t Start the Fire,” on album “Storm Front,” by artist “Billy Joel” (SR # 109-420);
- “I Lost It,” on album “Greatest Hits,” by artist “Kenny Chesney” (SR # 277-700);
- “One Step Closer,” on album “Hybrid Theory,” by artist “Linkin Park” (SR # 288-402);
- “Without You,” on album “Fly,” by artist “Dixie Chicks” (SR # 275-086).

Plaintiffs also seek injunctive relief. An injunction is entered, as follows: Defendant is enjoined from directly or indirectly infringing plaintiffs’ rights under federal or state law in the Copyrighted Recordings and any sound recording, whether now in existence or later created, that is owned or controlled by plaintiffs (or any parent, subsidiary, or affiliate record label of plaintiffs) (“plaintiffs’ recordings”), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of plaintiffs’ recordings, to distribute (i.e., upload) any of plaintiffs’ recordings, or to make any of plaintiffs’ recordings available for distribution to the public, except under a lawful license or with the express authority of plaintiffs. Defendant must also destroy all copies of plaintiffs’ recordings that defendant has downloaded onto any computer hard drive or server without plaintiffs’ authorization and destroy all copies of those downloaded recordings transferred onto any physical medium or device in defendant’s possession, custody, or control.

Rohleder must also pay costs of court in the amount of \$420.00.

SIGNED on February 27, 2007, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge